

REMARKS

Claims 1-39 are pending. By this Amendment, the drawings are revised pursuant to a Request for Approval of Drawing Corrections, the specification and claims 37 and 39 are amended. No new matter is added by any of these amendments.

Applicants appreciate the courtesies extended to Applicants' representative and Examiner Bautista during the September 17, 2002 interview. The points discussed during the interview are incorporated in the remarks below and constitute Applicants' record of the interview.

Reconsideration based on the following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten paragraph (37 CFR §1.121(b)(1)(iii)), and each rewritten claim (37 CFR §1.121(c)(1)(ii)).

I. The Drawings Satisfy All Formal Requirements

The Office Action and Notice of Draftsperson's Patent Drawing Review object to the drawings based on informalities. Figure 6 is revised pursuant to the attached Request for Approval of Drawing Corrections. Formal Drawings will be filed upon Notice of Allowance. Withdrawal of the objection to the drawings is respectfully requested.

II. The Specification Satisfies All Formal Requirements

The Office Action objects to the specification based on informalities. The specification has been amended to obviate the objection. Additionally, a description for element 488 is found in the specification on page 19, line 2. Withdrawal of the objection to the specification is respectfully requested.

III. Claims 1-39 Define Patentable Subject Matter

The Office Action rejects claims 1-6, 9, 11, 14, 16-22, 25, 27, 30 and 32-39 under 35 U.S.C. §102(e) over U.S. Patent 6,298,172 to Arney et al. This rejection is respectfully traversed.

Arney does not teach or suggest an image capture control system for an image capture device, including a controller that provides control parameters to the image capture device, the image capture device able to capture an image from an original document based on the provided control parameters, the control parameters including at least one image capture parameter, a display device, and a graphical user interface displayable on the display device, the graphical user interface including a preview pane portion that visually indicates at least one feature of a resulting captured image that will result upon generating a captured image from an original image using the at least one image capture parameter, as recited in claim 1.

Instead, Arney discloses a preview display screen visible to the user when the platen cover is closed. See column 4, lines 46-60 of Arney. Further, Arney discloses transferring a "snapshot" image of the platen to a preview device screen. That is, Arney captures a preview image. The image can subsequently be either captured or cleared. See col. 5, line 55 – col. 6, line 8 of Arney. By contrast, the controller, display device and graphical user interface, as respectively recited avoid the need to produce a preview scan. See page 20, line 2 of the specification. By teaching a preview scan is to be captured and displayed, Arney teaches away from the claimed preview pane portion that visually indicates at least one feature of an image that would result, without actually displaying any image. The preview display screen 10 of Arney cannot be considered analogous to the preview pane portion 480 recited in claims 1 and 17.

Regarding claim 2, the frame image 14 in Fig. 2C of Arney cannot be considered analogous to the crop/frame marquee section control 484, as recited in claim 2. The former provides a scanned image, while the latter visually indicates a portion of an original image, and can be provided irrespective of scanning. Similarly, for claim 3, the frame image 14 in Fig. 2D of Arney is not analogous to the cropped portion 560 of the original image, as recited in claim 3. Further, for claim 4, the frame image 14 in Fig. 2E of Arney is not analogous to the framed portion, as recited in claim 4. As explained above, Arney provides a scanned

preview, as contrasted with the subject matter in claims 1-39 which obviates the need for preview scanning.

Regarding claim 5, the frame image 14 in Fig. 2E of Arney is not analogous to the selection portion or the selection enable portion for dimensions, as recited in claim 5 for the height and width dimension boxes 578 and 579. This becomes especially apparent upon recognition that Arney fails to teach or suggest scaled dimensions. See col. 7, line 7 – col. 8, line 4 of Arney. By extension, this argument also applies to claim 6, which recites that dimensions are alterable, as there is no teaching in Arney for provided dimensions. Also, Arney does not teach that the preview pane portion 480 visually indicates scaled dimensions, as recited in claim 9. In addition, the frame image 14 showing orientation in Fig. 2A of Arney cannot be regarded as analogous to the image portion mimic 488 to indicate orientation, as recited in claim 14. Arney fails to teach or suggest an image portion mimic because Arney is directed to preview scanning. These arguments also apply by extension to claims 18-22, 25, 27, 30 and 32-39.

For at least these reasons, Arney fails to teach, disclose or suggest all of the features of claims 1-39. Thus, Arney cannot anticipate the subject matter of claims 1-39 under 35 U.S.C. §102(e). Withdrawal of the rejection of claims 1-6, 9, 11, 14, 16-22, 25, 27, 30 and 32-39 under 35 U.S.C. §102(e) as anticipated by Arney is respectfully requested.

The Office Action rejects claims 7, 8, 10, 12, 13, 23, 24, 26, 28 and 29 under 35 U.S.C. §103(a) over Arney in view of U.S. Patent 5,963,216 to Chiarabini et al. This rejection is respectfully traversed.

Chiarabini does not compensate for the deficiencies of Arney outlined above for claims 1 and 17. Nor does Chiarabini teach, disclose or suggest the additional features recited in claims 7, 8, 10, 12, 13, 23, 24, 26, 28 and 29. Instead, Chiarabini discloses a preview of a print job prior to printing. See col. 2, lines 20-33 of Chiarabini. In particular, Chiarabini teaches a special print preview implemented by the printer driver that renders the

page to show the preview. The printer driver can provide a wireframe and limits scanlines to be painted. See col. 9, line 49 – col. 10, line 29 of Chiarbini. Such print preview is entirely irrelevant in the context of a scale marquee selection control, a scale-to portion and a scale-to enable portion as recited in claim 7.

Further, the Office Action has failed to establish sufficient motivation to combine Arney with Chiarbini to obtain the claimed subject matter recited in claims 1-39. Specifically, Arney and Chiarbini are separately directed to providing a scanned image and to providing a print preview, respectively. Even a combination of the teachings of Arney and Chiarbini fails to teach or suggest a preview pane portion as recited in claim 1.

For at least these reasons, the combination of Arney and Chiarbini fails to teach, disclose or suggest all of the features of claims 1-39. Thus, the combination of Arney and Chiarbini cannot render obvious the subject matter of claims 1-39 under 35 U.S.C. §103(a). Withdrawal of the rejection of claims 7, 8, 10, 12, 13, 23, 24, 26, 28 and 29 under 35 U.S.C. §103(a) as unpatentable over the combination of Arney and Chiarbini is respectfully requested.

The Office Action rejects claims 15 and 31 under 35 U.S.C. §103(a) over Arney in view of U.S. Patent 6,317,141 to Pavley et al. This rejection is respectfully traversed.

Pavley does not compensate for the deficiencies of Arney outlined above for claims 1 and 17. Nor does Pavley teach, disclose or suggest the additional features recited in claims 15 and 31. Instead, Pavley discloses editing media objects in a digital imaging device, such as a digital video camera. See Abstract and col. 5, lines. 1-9 of Pavley. Further, there is no motivation to combine features related to a mode dial 202 of Pavley's digital video camera with a previewing scanner of Arney, nor has the Office Action established sufficient motivation or a *prima facie* case of obviousness.

For at least these reasons, the combination of Arney and Pavley fails to teach, disclose or suggest all of the features of claims 1-39. Thus, the combination of Arney and Pavley

cannot render obvious the subject matter of claims 1-39 under 35 U.S.C. §103(a).

Withdrawal of the rejection of claims 15 and 31 under 35 U.S.C. §103(a) as unpatentable over the combination of Arney and Pavley is respectfully requested.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-39 are earnestly solicited. Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

James A. Oliff
Registration No. 27,075

Gerhard W. Thielman
Registration No. 43,186

JAO:GWT/gwt

Attachment:

Appendix
Request for Approval of Drawing Corrections

Date: September 20, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 24-0037

APPENDIX

Changes to Specification:

Page 17, lines 3-7:

The reduce/enlarge portion 570 of the image size tab 550 includes a reduce/enlarge check box 571, a proportional check box 572, and a scale-to radio button 573 and associated width and width height scale factor parameter boxes 574 and 575. The reduce/enlarge portion 570 also includes a fit-in radio button 576, a fit-in selection text box 577 and associated width and height dimension boxes 578 and 579.

Page 19, line 26 – page 20:

Thus, the preview mimic 482 allows the user to quickly and visually verify that the various image capture parameters that the user has input to the basic features tab 500, the image quality tab 410, and/or the image size tab 550 will result in the captured image desired by the user. In addition, the page size mimic 483, the crop/frame marquee 484 and/or the scale marquee 486 allow the user to visually adjust the selected image capture parameters so that the adjusted image capture parameters will result in a captured image that more closely corresponds to the desired captured image. Accordingly, the user can avoid the need to view a preview scan in most cases.

Changes to Claims:

The following is a marked-up version of the amended claims:

37. (Amended) The graphical user interface method of claim 36, wherein further comprising:

selecting the crop/frame marquee selection control;

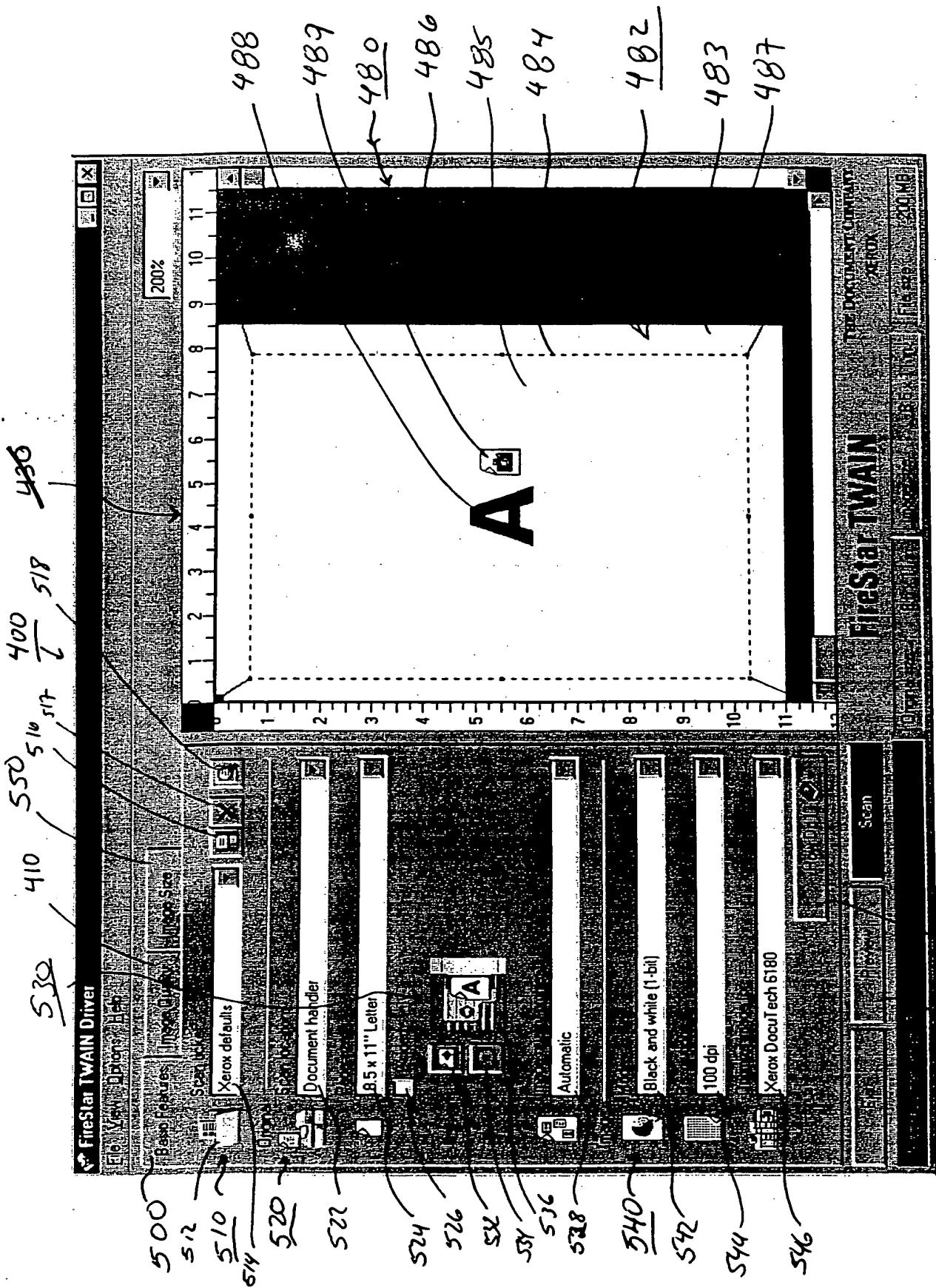
altering the displayed dimensions of the crop/frame marquee selection control;

and

correspondingly altering the dimensions of the scale marquee selection control.

39. (Amended) The method of claim 38, wherein further comprising:
selecting the scale marquee selection control;
altering the displayed dimensions of the scale marquee selection control; and
correspondingly altering the defined dimensions to which the captured image is to be scaled.

FIG. 6



440 430